

REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants appreciate the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicants have responded to each notation by the Examiner. Applicants respectfully request reconsideration and favorable action in this case.

Information Disclosure Statement

Applicants submit an Information Disclosure Statement ("IDS") and accompanying PTO-1449 form with this Response. Applicants respectfully request that the Examiner consider the reference cited in the IDS.

Double Patenting

The Examiner rejects the following under the nonstatutory double patenting: Claims 1, 8, 9, 20, 26, and 44 as being unpatentable over Claim 24 of U.S. Patent No. 6,571,221; Claims 1, 8, 9, 20, and 26 as being unpatentable over Claim 1 of U.S. Patent No. 5,835,061; and Claims 1, 8, 9, and 20 as being unpatentable over Claim 13 of U.S. Patent No. 5,835,061.

Applicants do not necessarily agree with or acquiesce to the Examiner's comments regarding the claims of the present Application or their purported relationship to the claims of the patent. Applicants, however, remain open to filing a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome the obviousness-type double patenting rejection if and when appropriate.

Sections 102 and 103 Rejections

The Examiner rejects Claims 9 and 19 under 35 U.S.C. § 102(b) over U.S. Patent No. 5,835,061 to Stewart ("*Stewart*"). The Examiner rejects under 35 U.S.C. § 103(a): Claims 1-3, and 7-8 over *Stewart* and Draft Standard P802.1Q/D11 ("*P802.1Q/D11*"); Claims 4 and 31 over *Stewart*, *P802.1Q/D11*, and U.S. Patent No. 5,864,667 to Barkan ("*Barkan*"); Claims 10-11 and 13-14 over *Stewart* and U.S. Patent No. 5,684,988 to Pitchaikani et al. ("*Pitchaikani*"); Claims 12 and 15 over *Stewart*, *Pitchaikani*, and RFC 1213 of McCloghrie ("*McCloghrie*"); Claim 16 over *Stewart* and *Barkan*; Claims 17-18 over *Stewart* and 802.11D-1997 ("*802.11D*"); Claims 20-22 over *Stewart* and "Billing User and Pricing for TCP" by Edell ("*Edell*"); Claim 23 over *Stewart*, *Edell*, and *Barkan*; Claims 24-25 over

Stewart, Edell, and 802.11D; Claims 26-27, 30, and 32 over *Stewart* and *Pitchaikani*; Claims 28-29, 33-37, and 41-43 over *Stewart, Pitchaikani*, and 802.11D; Claims 38-40 over *Stewart, Pitchaikani, 802.11D*, and “A Channel Access Protocol for Multihop Wireless Channels with Multiple Channels” by Muir (“*Muir*”); Claims 4 and 31 over *Stewart, Pitchaikani*, and *Barkan*; Claims 44-50, 57-58, and 65 over *Stewart* and *Pitchaikani*; Claims 51-53 and 64 over *Stewart, Pitchaikani*, and *P802.1*; Claim 54 over *Stewart, Pitchaikani*, and *Barkan*; Claims 55-56 over *Stewart, Pitchaikani*, and 802.11D; and Claims 59-63 over *Stewart, Pitchaikani*, and “IP Tunnel MIB” by Thaler (“*Thaler*”). Applicants respectfully traverse these rejections for the reasons discussed below.

Applicants respectfully submit that *Stewart* and combinations of references proposed by the Examiner fail to disclose, teach, or suggest, the elements specifically recited in Applicants’ claims. For example, the proposed *Stewart-P802.1Q/D11* combination fails to disclose, teach, or suggest the following elements recited in independent Claim 1:

- the first wireless access point is operable to implement a plurality of possible VLANs;
- the first wireless access point determining the indicated VLAN from the plurality of possible VLANs according to the identification information.

Stewart discloses an access point (AP) that determines whether a mobile unit can access a particular information provider:

In steps 35 and 40, the access point 10 scans the mobile unit 5 and determines whether the mobile unit I.D. (identity) matches a prestored I.D., and in step 45, the communication between the mobile unit 5 and the access point 10 begins.

(*Stewart*, col. 4, lines 1-4.)

In addition, mobile unit 5 would also be equipped with a code generator which generates an identification code that can be transmitted to and recognized by the access point 10 or a system accessed through access point 10. Such an identification code allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism.

(*Stewart*, col. 3, lines 56-63.)

Stewart suggests that if there are multiple information providers, then there are multiple access points:

... FIG. 1 shows one AP 10 and one service and information provider 20 connected to network 15. However, any number of such APs and service

and information providers would typically be connected to network 15 to service any number of mobile units,

(*Stewart*, col. 7, lines 33-39.) That is, *Stewart* suggests that ***multiple access points, not a single access point***, would provide access to multiple information providers.

Furthermore, *P802.1Q/D11* merely discloses:

VLANs are support over all 802 LAN MAC protocols, and over shared media LANs as well as point-to-point LANS.

(*P802.1Q/D11*, p. 14.) Thus, *P802.1Q/D11* fails to remedy the deficiency of *Stewart*.

Accordingly, the proposed *Stewart-P802.1Q/D11* combination fails to disclose, teach, or suggest “the first wireless access point is operable to implement a plurality of possible VLANs” and “the first wireless access point determining the indicated VLAN from the plurality of possible VLANs according to the identification information” of independent Claim 1.

For at least these reasons, independent Claim 1 and its dependent claims are allowable under 35 U.S.C. § 102. For analogous reasons, independent Claims 9, 20, 26, and 44 and their respective dependent claims are allowable under 35 U.S.C. § 102. Accordingly, Applicants respectfully request reconsideration and allowance of all pending claims.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6494.

Although Applicants believe no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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